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**Nature Reserves Preservation Group of Kalamunda, Inc.**

9 Jan 2023

**TO:** Rhonda Hardy, CEO  
**CC:** [enquiries@kalamunda.wa.gov.au](mailto:enquiries@kalamunda.wa.gov.au)

**SUBJECT: Submission on Draft of Kalamunda Keeping and Control of Cats Local Law 2023**

Dear Rhonda,

The NRPG appreciates the opportunity to comment on the draft Cats Local Law 2023, as follows:

Excerpts from the draft are 'boxed' for ease of reference.

**1.4 Definitions:**

Cat prohibited area means an area as outlined in Schedule 3.

The definition of prohibited area is limited only to reserves. However, there would be many other areas in which cats could destroy wildlife, and if allowed to continue under this by-law, would be a very poor outcome, given the dire state of species extinction and threats to our environment.

NRPG asserts this definition should instead include the premise that cats should be prohibited from all areas in the boundaries of the City, except for the provisions in this by-law. This dramatically improves protection and simplifies reporting of violations because it does not require reference back to specific reserves, and puts the onus on the owner to take full responsibility.

At the very least, cats should be prohibited from all bushland or wetlands (with a 200m buffer zone around all), which would align with the City of Stirling local law 1998, and others. (Reference attached: City of Stirling "Responsible Cat Ownership" and City of Cockburn "OCM Agenda 9-07-2020").

cat means an animal of the species *felis catus* or a hybrid of that species;

For clarity, scientific names should begin with a capitalized genus name: *Felis catus*.

nuisance means—

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) Interference which causes material damage to land or other property on the land affected by the interference;

The definition of ‘nuisance’ should specifically include reference to the environmental nuisance and damage caused by cats in harming native wildlife, as this is a serious issue and relates directly to Kalamunda’s Clean and Green Strategy and other environmental policies.

NRPG has previously raised the issue of the lack of mention of environmental impacts in the City’s current “Responsible Cat Ownership / “Cat Owner Fact Sheet” pamphlet, in prior correspondence and meetings with the City. For this reason, ‘nuisance’ should include trespass of a cat outside of the boundaries of the owner’s property, as the inherent damage caused by a cat’s presence (predation threat, plus egress of wildlife due to the olfactory markers caused by predator presence) is detrimental to the environmental value of the neighbour’s garden, thereby causing a ‘nuisance’. Presence of cats outside of property boundaries also increases the risk of introduction of Toxoplasmosis to wildlife, other domestic cats, and humans. Therefore, NRPG request inclusion of the threat of spreading Toxoplasmosis as a threatening activity and a ‘nuisance’ posed by wandering cats.

### **Section 3.1 Interpretation**

3.1 In this part, cat does not include a cat less than 6 months old.

The above section indicates that kittens are not included within the regulations. This makes it unclear as to the regulation of cat breeding within the City, and if there is a requirement of applying for a permit to produce a litter. It should be made clear if cats are required to be registered with the City and sterilized (unless covered under a breeding permit), as it is important to regulate the domestic cat population and the likelihood of abandonment and introduction of feral cats to the City.

### **Section 3.4: Cats for which a permit is required**

Cats for which a permit is required

- (1) Subject to subclause (2) a person is required to have a permit to—
  - (a) Keep more than 2 cats on any premises; or
  - (b) Use any premises as a cattery or cat management facility.
- (2) A permit is not required under subclause (1) if the premises concerned are—
  - (a) A refuge of the RSPCA or any other body prescribed in regulation 4 of the Cat Regulations 2012; or
  - (b) A cat management facility which has been approved by the Local Government; (c) A veterinary surgery.

There is mention of a permit required for more than two cats, but it is not made clear that to keep one or two cats, both must be registered with the City.

### Section 3.9 Conditions

- (1) Every permit is issued subject to the following conditions—
- (a) Each cat kept on the premises to which the permit relates shall comply with the requirements of the Act;
  - (b) Each cat shall be contained on the premises unless under the effective control of a person;
  - (c) The permit holder will provide adequate space for the exercise of the cats;
  - (d) The premises shall be maintained in good order and in a clean and sanitary condition; and
  - (e) Those conditions contained in Schedule 1.

Mention of keeping cats on the premises they have been registered to is only located in the section above, in the context of applying for a permit for 3 or more cats. However, it should also be made clear that all cats, not just those under the extra permit, are required to be kept within the boundaries of the owner's property.

Given that cats can harm wildlife within the boundaries of the owner's premises and noting that a large area of the City is in private ownership and has habitat used by native wildlife, item (b) should emphasize that containment measures be put in place to prevent cats from harming native animals, such as cat runs or cat patios ('Cacios'). At the very least, cats must be fitted with bells or other techniques to warn wildlife, or be on a leash any time a cat is in an area shared by wildlife.

To further ensure safety of our wildlife, there must be provision to monitor the measures, both by the random setting of IR cameras by the City Rangers, and include for allowing of reporting by any person or body of harm to wildlife even within another owner's property.

NRPG further reiterates the importance that these by-laws must address the need for protection of our environment and the devastating impacts that cats are well known to cause to our native animals. This point was made in the NRPG submission on 25 Feb 2022, yet it has been omitted in this draft, and we are not aware of an explanation for this. This issue is now particularly topical with Minister Plibersek's revealing of the dire "State of the Environment Report" in 2022, making pledges for zero extinctions and rebuilding our "Nature". The City's bylaws must support the scientific understanding which underpins the long-term viability of our Environment, which relies on our native wildlife in our ecosystems for completeness and survival.

Overall, we support the control of cats within the City of Kalamunda, but recommend the above amendments for clarity and effectiveness of control.

Kind regards,

Nature Reserve Preservation Group  
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